
DIVISION 2. INTERPRETATION

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- 1.2.1** **INTERPRETATION OF THE LAND USE CODE (LUC).** Where questions occur concerning the content or application of the *Land Use Code (LUC)*, the Zoning Administrator shall render a final decision and interpretation on the matter in accordance with the Zoning Compliance Review Procedure, Sec. 23A-31. In making a determination, the Zoning Administrator shall rely on the purpose of the section in question. Zoning Administrator interpretations can be appealed through a Board of Adjustment Appeal Procedure, Sec. 23A-61. Appeals must be filed within thirty (30) days of the date of decision. The Board of Adjustment, under extenuating circumstances, may extend the thirty (30) day appeal period. (Ord. No. 8765, §1, 10/14/96; Ord. No. 9138, §1, 10/5/98; Ord. No. 9179, §1, 12/14/98; Ord. No. 9967, §1, 7/1/04)
- 1.2.1.1 Interpretation of Procedures for Rezoning. Amendments which were adopted on April 10, 2000, conform the *LUC* to established law and practice and should not be construed as effectuating substantive changes to the amended provisions. Specifically, these amendments should be construed as continuing the practice of adopting a nonbinding authorization for a rezoning case and subsequently adopting an ordinance as the final legislative act, as authorized by the previously adopted Zoning Code and the currently adopted *Land Use Code (LUC)*, prior to the amendments. (Ord. No. 9374, §1, 4/10/00)
- Editor's Note:** All graphics included in the *LUC* are for illustrative purposes and do not have legal status.
- Editor's Note:** Section references to codes and laws other than those in the *Land Use Code (LUC)*, such as the Arizona Revised Statutes (ARS) or other chapters in the Tucson Code, are generally provided for the reader's convenience. Since these codes and laws are adopted separate from the *LUC*, the references are administratively amended as needed to assure that correct references are maintained. These administrative amendments do not affect the substantive application of the *LUC*.
- 1.2.2** **CONFLICTING PROVISIONS.** Should any provisions within the *LUC* conflict, the most restrictive applies, unless otherwise stipulated.
- 1.2.3** **EFFECT ON OTHER PROVISIONS.** The provisions of the *LUC* do not abrogate any other ordinance, statute, regulation, private covenant, agreement, or contract which is more restrictive or which requires greater performance in the regulation of any land use or development within the city.
- 1.2.4** **NO RELIEF FROM OTHER PROVISIONS.** Except as otherwise specifically provided, no provision of the *LUC* shall be construed as relieving any party, to whom *LUC* compliance approval is issued, from any other provision of county, state, or federal law or from any provision, ordinance, or regulation of the City of Tucson requiring approval, license, or permit to accomplish, engage in, carry on, or maintain a particular business, enterprise, occupation, transaction, or use.

1.2.5 LAND USES AS ALLOWED IN THE LUC. The *LUC* applies land use restrictions through the use of zoning categories or districts. The zones are described in Article II of the *LUC*, and districts are delineated on the City Zoning Maps. Within Article II, each zone lists the land use classes permitted within the zone and the conditions under which they are allowed. Only those land uses listed for that zone are permitted within the zone.

1.2.6 MORE RESTRICTIVE ZONING. Within the *LUC*, reference is made to "more restrictive zoning" in applying Development Regulations. For the purpose of application, this phrase shall apply in the following order, which lists the zones from the most restrictive (OS) to the least restrictive (I-2). Determination of where the Planned Area Development (PAD) zone is listed shall be made on a case-by-case basis by the Zoning Administrator, comparing the primary uses allowed within the PAD zone and the primary purpose of each zone. (Ord. No. 9374, §1, 4/10/00)

"OS"	OPEN SPACE ZONE
"IR"	INSTITUTIONAL RESERVE ZONE
"RH"	RURAL HOMESTEAD ZONE
"SR"	SUBURBAN RANCH ZONE
"SH"	SUBURBAN HOMESTEAD ZONE
"RX-1"	RESIDENCE ZONE
"RX-2"	RESIDENCE ZONE
"R-1"	RESIDENCE ZONE
"R-2"	RESIDENCE ZONE
"MH-1"	MOBILE HOME ZONE
"MH-2"	MOBILE HOME ZONE
"R-3"	RESIDENCE ZONE
"O-1"	OFFICE ZONE
"O-2"	OFFICE ZONE
"O-3"	OFFICE ZONE
"P"	PARKING ZONE
"RV"	RECREATIONAL VEHICLE ZONE
"NC"	NEIGHBORHOOD COMMERCIAL ZONE
"RVC"	RURAL VILLAGE CENTER ZONE
"C-1"	COMMERCIAL ZONE
"C-2"	COMMERCIAL ZONE
"C-3"	COMMERCIAL ZONE
"MU"	MULTIPLE USE ZONE
"OCR-1"	OFFICE/COMMERCIAL/RESIDENTIAL ZONE
"OCR-2"	OFFICE/COMMERCIAL/RESIDENTIAL ZONE
"P-I"	PARK INDUSTRIAL ZONE
"I-1"	LIGHT INDUSTRIAL ZONE
"I-2"	HEAVY INDUSTRIAL ZONE

(Ord. No. 9374, §1, 4/10/00)

1.2.7 CONTINUING EXISTING USES. Structures or uses lawfully existing or operating may continue to be used or to operate as nonconforming structures or uses, if the structures or uses no longer comply with applicable regulations of the property on which they are located.

Discontinuance and resumption of a nonconforming use, expansion and substitution of nonconforming uses or structures, reconstruction of nonconforming structures, or loss of nonconforming status shall be in conformance with Sec. [5.3.6](#).

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- 1.2.8 RESTORING UNSAFE STRUCTURES.** Nothing in this Chapter shall prevent the strengthening, restoration, or upgrading of a structure to conform to minimum Building or Fire Code requirements.
- 1.2.9 ZONING OF LAND ANNEXED INTO THE CITY.** The applicable zoning regulations on land annexed into the city, unless otherwise stipulated in the annexation ordinance, shall continue to be the county zoning regulations applicable to the property prior to annexation until such time they are replaced by city regulations. City zoning regulations must be placed on annexed land within six (6) months of the date of annexation. Zoning regulations, districts, overlay zones, and City Zoning Maps are extended to the annexed land through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9967, §1, 7/1/04)
- 1.2.10 VARIANCE AND MODIFICATION REQUESTS, APPEALS.** Requests for variance or modification from regulations specifically enumerated within this Chapter or referenced as Development Standards and appeals of decisions on those requests are considered in accordance with the following procedures.
- 1.2.10.1 LUC Variance Requests and Appeals of Decisions. Requests for variances from requirements in Chapter 23 of the Tucson Code are considered in accordance with Sec. [5.3.3](#), Variances, unless specifically stated otherwise. (Ord. No. 8765, §1, 10/14/96; Ord. No. 9179, §1, 12/14/98)
- 1.2.10.2 LUC Modification Requests and Appeals of Decisions. Requests to modify *LUC* requirements through Design Development Options, Sec. [5.3.4](#) and [5.3.5](#) are considered by the Director of the Development Services Department. Appeals of the Director's decisions are considered through the Board of Adjustment Appeal Procedure, Sec. 23A-61. (Ord. No. 9967, §1, 7/1/04)
- 1.2.10.3 Development Standard Modification Request. Requests to modify requirements in Development Standards shall be considered in accordance with the procedures set forth in Development Standard 1-01.0. However, if the particular Standard from which a modification is requested is a requirement or regulation of this Chapter, a request to modify or vary that regulation shall be considered in accordance with procedures established in Sec. 1.2.10.1 or Sec. 1.2.10.2, as applicable.
- Appeals of decisions made regarding Development Standard modification requests are considered in accordance with Development Standard 1-01.0. (Ord. No. 9392, §1, 5/22/00)
- 1.2.11 SEVERABILITY.** If any section, subsection, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional, such findings do not affect the validity or constitutionality of the remaining portions of these regulations.

